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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,240	11/14/2003	Kirby Williams Reese	18244-108780	4992

7590 06/27/2005

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EXAMINER
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ADDIE, RAYMOND W

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,240	<b>Applicant(s)</b> REESE, KIRBY WILLIAMS	
	<b>Examiner</b> Raymond W. Addie	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/22/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-10, 12-16 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10, 12-16 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*mu*

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 12, 21, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Papetti

# 4,726,708.

Papetti discloses a temporary road and method of making comprising:

Providing a plurality of flexible, metal-wire mesh, gabion containers (1), each having  
a plurality of compartments (10).

Filling each compartment (10) with a ballast material (16).

Connecting a plurality of gabions (1) to each other, to create a layer of retained ballast,  
such that one or more panels (3) can be laid flat on a top surface of said layer of ballast  
(16), thus forming a roadway.

See fig. 5; cols. 1, Col. 2, ln. 64-Col. 3.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9, 13, 14, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papetti '708 in view of Coburn # 4,643,271.

Papetti discloses a gabion container and method of making a roadway by connecting a plurality of gabions (10) together to support a panel (3), thus forming a roadway. What Papetti does not disclose is the type of ballast material contained inside said gabions. However, Coburn teaches it is known to provide gabion containers with a light-weight aggregate, that is buoyant in water, such as polystyrene foam. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the gabion support component, of Zaccheroni, with light-weight, ballast material, as taught by Coburn, in order to reduce the weight of the structure.

3. Claims 10, 15, 16, 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Papetti '708 in view of Coburn '271 as applied to claims 7, 12, 20 above, and further in view of Woodfin # 6,3811,792 B1.

Papetti in view of Coburn disclose a method of making a roadway from interconnected gabion containers (1), which are filled with a light-weight filler material, such as foam. What Papetti in view of Coburn do not disclose is the encasing the filler material within a wrapper. However, Woodfin teaches it is desirable to fill gabion containers in-situ, with a polymer foam which is shipped to the site in component form, which requires less volume than shipping foamed aggregates. See col. 3, lns. 46-65.

Further Woodfin teaches it is desirable to provide gabion containers with a flexible fabric envelope to receive and retain a thus foamed polymer filler to inflate the gabion containers (10), thus forming a bridge or other lightweight roadway (1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the gabion containers of Papetti in view of Coburn, with a fabric envelope, as taught by Woodfin, in order to facilitate deployment of a temporary roadway. See col. 4.

### ***Conclusion***

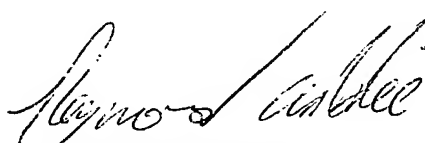
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heselden # 5,333,970 discloses a gabion system. Black #US 2001/0002968 A1 discloses a gabion system for roadway use.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (571) 272-6986. The examiner can normally be reached on Monday-Saturday from 7:00 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998.

Art Unit: 3671

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Raymond Addie**  
**Patent Examiner**  
**Group 3600**

**6/23/2005**